

**EXHIBIT
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**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA
Newport News Division**

TOWANDA R.FUTRELL
19127 Wayne Drive
Triangle, Virginia 22172

Plaintiff

v.

Case No: 4:23-cv-00118

DANIEL L. CRAMER
4310 Martin Street Lot #35
Cropwell, Alabama 34054

AV LEASING, LLC
525 Anderson Drive
Romeoville, Illinois 60446

TRITON LOGISTICS,
INC.
525 Anderson Drive
Romeoville, Illinois 60446

Serve:
Mr. Andrew Voveris
525 Anderson Drive
Romeoville, Illinois 60446

WDTC, LLC
1527 West Street Highway
Grapevine, Texas 76051

Serve:

Daniel L. Cramer
4310 Main Street Lot 35
Cropwell, Alabama 35054

Defendant(s).

AMENDED COMPLAINT

COMES NOW the Plaintiff, TOWANDA R. FUTRELL by and through her counsel, Christopher M. FitzPatrick, and Morgan & Morgan, DC, PLLC brings this cause of action against the Defendants DANIEL L. CRAMER and AV LEASING, LLC, TRITON LOGISTICS and WDTC, LLC on the grounds and in the amounts set forth herein.

PARTIES

1. Plaintiff, TOWANDA R. FUTRELL, is a citizen of the United States and a resident of Norfolk, Virginia under no legal disability.
2. Defendant, DANIEL L. CRAMER, under knowledge, information, and belief, is a citizen of the United States and a resident of Cropwell, Alabama under no legal disability.
3. AV Leasing is an Illinois Corporation in the business of freight trucking transportation and upon information leased the truck involved in this collision to Triton Logistics, Inc. who was the defendant driver Daniel Cramer's employer.
4. Defendant Triton Logistic, Inc. is a trucking company in the business of transporting goods across state lines throughout the United States.
5. WDTC, LLC is a Limited Liability Company located in Grapevine, Texas that is owned primarily by Defendant, Daniel L. Cramer.

JURISDICTION AND VENUE

6. Jurisdiction is vested in this Court and venue is also proper in this Court as the tortious injury occurred in York County, Virginia.

7. This court also has jurisdiction of the Defendants, pursuant to Virginia's Long Arm statute Virginia Code Sec 8.01-328.1 (1) & (3).

FACTS

8. On December 16, 2021, 2022 tragically a collision occurred on Interstate 64 East in York County Virginia near Williamsburg when a freight truck operated by the Defendant DANIEL L. CRAMER slammed into the back of a party bus ejecting all 22 people from the party bus. Three (3) passengers were immediately killed by the impact and 19 others suffered serious life-threatening bodily injuries including the Plaintiff, TOWANDA R. FUTRELL.

9. During the Police investigation, it was documented that the DEFENDANT who was employed by Defendants, TRITON LOGISTICS, INC. had falsified log records and was operating his truck owned by AV LEASING, LLC. Defendant TRITON LOGISTICS, INC. permitted the defendant, Daniel Cramer to operate this truck intentionally exceeding maximum amount of hours.

10. At the time of this incident, the Plaintiff, TOWANDA R. FUTRELL was a passenger in a party bus traveling Eastbound on Interstate 64 when suddenly at a high rate of speed a commercial truck owned by Defendant AV LEASING, LLC and operated by Defendant, DANIEL L. CRAMER while working in the scope of his employment for his

employer TRITON LOGISTICS, INC and suddenly and without warning rear ended the party bus that the Plaintiff was a passenger in at the time of this collision.

11. The tremendous force of the impact forced the Party Bus to cross the Center Median that ripped off the top shell of the party bus causing all 22 passengers to be ejected and the bus.

12. Subsequently because of the high intensity force of the impact the freight truck crossed the median and then struck the guard rail to the West Bound side of Interstate 64.

13. Defendant, DANIEL L. CRAMER was an employee and working within the scope of his employment of TRITON LOGISTICS, INC. and WDTC, LLC and operating a vehicle upon information by leased by Defendant, AV LEASING, LLC to TRITON LOGISTICS INC. at the time of this incident.

14. Under the doctrine of *respondeat superior*, TRITON LOGISTICS INC. and WDTC, LLC are liable, and responsible for the acts and/or omissions of negligence of Defendant, DANIEL L. CRAMER as well WDTC, LLC, a company that Mr. Cramer formed himself.

COUNT I - NEGLIGENCE

Plaintiff re-pleads and incorporates by reference paragraphs No. 1 through paragraph No. 14 of this Complaint fully as if the allegations were set forth fully herein and further states:

15. Defendant DANIEL L CRAMER breached her duties of care by:

- a. failing to keep a safe distance between his vehicle and the Plaintiff's vehicle;
- b. failing to pay full time and attention and striking the Plaintiff's vehicle;
- c. failing to yield right of way when entering a highway;
- d. failing to maintain control of his vehicle;

- e. failing to use reasonable care when operating a motor vehicle;
- f. failing to obey traffic laws;
- g. failing to safely operate his vehicle under control and at a reasonable rate of speed;
- h. acted in a reckless and willful wanton manner with respect to the operation of his vehicle in the operation of his vehicle and engaging in reckless as well as improper and or illegal conduct in intentionally and or recklessly falsifying the number of hours he had continuously operated the freight truck that he was operating at the time of this incident.
- i. failing to keep a proper lookout;
- j. failing to keep a safe and proper distance between his vehicle and the Party Bus.
- k. failing to take steps to avoid causing a collision;
- l. failing to generally operate his vehicle in a safe, reasonable, and prudent manner;
- m. Operated his vehicle in a reckless, willful wanton manner in reckless disregard to the Plaintiff and others' safety and acted with malice.
- n. was otherwise negligent.

DAMAGES AND AD DAMNUM

13. As a direct and proximate result of the above-described breaches of duties, Plaintiff was caused to suffer serious injury to her person, to include injury, pain and suffering, emotional distress, loss of enjoyment of life, loss of opportunity, permanent physical impairment, disfigurement, lost wages, past and future, medical expenses, past and future, and other damages, with no negligence or lack of due care on his part

contributing thereto.

14. The aforementioned damages are permanent and continuing in nature.

WHEREFORE, Plaintiff respectfully requests that this Court grant judgment in favor of Plaintiff TOWANDA FUTRELL for a personal injury action of and against Defendants in the amount of \$5,000,000.00 against all defendants jointly and severally for compensatory damages and for such other amounts permitted by law as well as interest from December 16, 2022 attorneys' fees and costs, and such other amounts as permitted by law and for such further relief as this Court deems just and proper.

PRAYER FOR A JURY TRIAL

Plaintiff, by and through the undersigned counsel, hereby requests a jury trial on all triable issues in the above-captioned matter.

Respectfully submitted,

/s/Christopher M. FitzPatrick
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